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27 June 1956

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with CARPETMAKER

1. At 0915, 13 June 1956, [] was introduced under true name to CARPETMAKER by [] at the residence of [] [] escorted CARPETMAKER to the Department of Justice where he was welcomed by the following members of the Internal Security Division, Attorney General's office; Mr. Hall, Mr. Foley, Mr. William Kenney and Mr. Wahrheide. Mr. Hall and Mr. Foley then withdrew leaving Mr. Kenney and Mr. Wahrheide to conduct the briefing.

2. The remainder of the morning was devoted to a briefing by Mr. Kenney covering the following topics:

- a. The organization of the Department of Justice and its relationship to the Federal courts.
- b. The organization and functions of the Attorney General's office, especially the Internal Security Division.
- c. The Subversive Activities Control Act and the Subversive Activities Control Board.
- d. The investigation, preparation and prosecution of a typical Communist Party case. Kenney went into some detail on the Constitutional guarantees and other laws which have a direct bearing on investigation and prosecution of Communist Party cases. In part to determine CARPETMAKER's reaction [] raised the question of the legal status of wire tapping in the United States. Kenney said that in the limited number of lower court and Supreme Court decisions applicable wire tapping the courts have taken the position that it represents an illegal infringement on the rights of the individual. However he acknowledged that the use of mail and telephone intercepts is of course an investigative technique

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employed by various law enforcement agencies throughout the country. Its use however is restricted and requires special approval by a competent authority. Of course information obtained through intercepts cannot be introduced as evidence in court. Although intercepts may furnish additional investigative leads great care must be exercised to insure that such leads are confirmed by other sources. CARPETMAKER stated that under the German Constitution wire tapping is illegal. He noted that such activity is being conducted by the Allies and they occasionally support the West German government by providing intercept service. CARPETMAKER feels that in time the legal obstacles to wire tapping will be overcome and the West German government will take over the intercept activities now being conducted by the Allies. (In a later conversation, CARPETMAKER implied that in some cases West German agencies have obtained intercept coverage independently of the Allies.)

3. During the briefing described above CARPETMAKER mentioned that under German law his office is obliged to prosecute any case of espionage or treason coming to its attention. In the past CARPETMAKER has been inclined to make a very literal interpretation of this obligation. In effect this means that if the BfV or UPSWING officially informs him of a case involving treason or espionage he must initiate prosecution. Wahrheide said that it should be possible for CARPETMAKER in such cases to use either his "official or non-official ear". CARPETMAKER replied that indeed it is. In fact he has attempted to encourage other West German agencies to consult him informally on cases involving espionage or treason against West Germany. In this way, if legal action is desired CARPETMAKER can determine if enough evidence has been accumulated to insure conviction. If not the case can be subjected to further investigation by the agency concerned.

4. CARPETMAKER said that he had experienced some difficulty in handling persons who are willing to turn state's evidence and inquired as to how such cases were handled in this country. (Note: CARPETMAKER later acknowledged that he was prompted to raise this question by the difficulties which they are having in handling WEINMAN @ BURKHARDT.) CARPETMAKER was informed that such persons may expect a reduction in sentence but very little else can be offered.

5. At the conclusion of the morning briefing the group adjourned to a nearby restaurant for lunch. During lunch the use of the polygraph was discussed. CARPETMAKER apparently is not particularly impressed

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with the polygraph. He feels that it violates human dignity and further that the results are usually unsatisfactory or misleading, even when used in criminal investigation. According to his interpretation, rulings by the West German courts make the use of the polygraph in any phase of investigation illegal unless the individual gives his prior written consent. Even then, information obtained from a polygraph test cannot be introduced as evidence in court. In general West German opinion is opposed to the principle and technique of the polygraph.

6. Following lunch the party returned to the Department of Justice where Mr. Kenney resumed the briefing. He showed CARPETMAKER a chart depicting legal action taken by the U.S. Government against leaders of the Communist Party. He then turned the briefing over to Mr. Wahrheide who gave a thumbnail sketch of the most celebrated treason and espionage cases in American history, concluding with the Rosenberg case.

7. CARPETMAKER was impressed by the relatively few cases brought to court and the difficulty of securing convictions. He pointed out that under German law an individual can be convicted if it can be proven that he merely had contact with a foreign intelligence service. The prosecution does not have to prove that the accused actually passed information. CARPETMAKER was reminded of the various laws protecting the rights of the individual which sometimes hamper investigation or prosecution. However Kenney said that the Subversive Activities Control Act provides the Government with a new weapon which should enable the Government to prosecute more cases than was possible under previously existing laws.

8. CARPETMAKER received the following documents from Kenney and Wahrheide:

An organization chart of the Department of Justice

A handbook for perspective United States citizens
(in German)

A copy of the Alien Registration Act, implementing
executive orders and regulations.

Internal Security Manual, Provision of Federal Statutes,
Executive Orders and Congressional Resolutions Relating
to the Internal Security of the United States (Government
Printing Office, 83rd Congress, #47).

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9. In the evening CARPETMAKER, [] had dinner at the Peking Palace. Conversation was confined to topics of no particular professional interest. CARPETMAKER was deposited at the [] at about 2200.

10. Comments. During the day CARPETMAKER showed himself to be a keen student of the law. It was [] impression that Kenney and Wahrheide were both surprised at CARPETMAKER's knowledge and understanding of American and Anglo/Saxon law. CARPETMAKER seemed particularly interested in internal security legislation and in the pretrial investigation of cases involving subversion, espionage and treason. On several occasions CARPETMAKER raised pointed questions concerning the United States internal security program which engendered a stimulating and constructive exchange of ideas. Although CARPETMAKER is not fluent in English he succeeded in making himself clearly understood. CARPETMAKER appears to be genuinely concerned about preserving the rights of individual in the fight against Communism and is therefore opposed to certain investigative techniques such as the polygraph which he believes to be inhumane and unethical. However he clearly favors taking full advantage of any legal weapon. In passing, CARPETMAKER spoke highly of his liaison relationship with George van NOY, FBI liaison officer in Bonn. Mr. Wahrheide or Mr. Kenney indicated their willingness and desire to help CARPETMAKER in any way possible and suggested that he forward any request for assistance through Mr. van Noy or [] channel.

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